

PROVIDENCE CITY COUNCIL MEETING MINUTES

October 27, 2015 6:00 p.m.

15 South Main, Providence UT

Call to Order: Mayor Calderwood

Roll Call of City Council Members: Mayor Calderwood

Attendance: Bill Bagley, Jeff Baldwin, Ralph Call, John Drew, John Russell

Pledge of Allegiance: Dallin Davis, Scout Troop No. 374

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of September 15, 2015 City Council meeting.

Motion to approve the minutes of September 15, 2015: J Russell, second – J Drew

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Abstained: None

Excused: None

Item No. 2. The Providence City Council will consider approval of the minutes of October 20, 2015 City Council meeting.

Motion to approve the minutes of October 20, 2015: J Drew, second – B Bagley

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Abstained: None

Excused: None

Oath of Office: The Providence City Youth Council will take the oath of office.

- S Bankhead swore in all members of the Youth Council for 2015-2016.

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- No public comments.

Board of Equalization: The Providence City Council, acting as the Board of Equalization, will consider a request from Blake Tullis to correct an assessment of water fees resulting from a water leak.

Motion to go into Board of Equalization meeting: J Russell, second – B Bagley

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Abstained: None

Excused: None

- Tara Bankhead gave the background on the water leak issue. She was able to adjust the bill according to the ordinance; however, Mr. Tullis has requested a further adjustment.
- R Stapley felt Mr. Tullis did his due-diligence to get his water leak repaired. Mr. Tullis lives on Bringhamst so water doesn't surface and leaks aren't always apparent because of rock.
- S Bankhead explained to the Council how the adjustments are made.
- R Call said he feels the offer the City has made is a generous offer. He is opposed to making further adjustments. B Bagley also felt the adjustments were generous and adequate.

Motion to allow Tara Bankhead to make adjustments according to code: R Call, second – J Drew

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Abstained: None

Excused: None

Motion to close Board of Equalization: J Russell, second – J Baldwin

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

1 Abstained: None

2 Excused: None

3 **Business Items:**

4 **Item No. 1. Appointment Confirmation:** The Providence City Council will consider a request from Mayor Don
5 Calderwood to confirm the appointment of Rob Stapley as the interim public works director.

6 **Motion to confirm Rob Stapley as interim Public Works Director: R Call, second – B Bagley**

- 7 • S Bankhead said the job will open by the end of the week and will remain open for three weeks.
8 • R Call said this is a serious job and the City shouldn't hurry to make the decision. An interim Public Works
9 Director would allow the City to take its time in finding someone to fill the position.
10 • S Bankhead said the job will be posted on the state website and in the papers. She will do further postings
11 if the Council prefers.

12 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

13 **Nay: None**

14 **Abstained: None**

15 **Excused: None**

16 **Item No. 2. Resolution 041-2015:** The Providence City Council will consider for adoption a resolution approving the
17 recertification of the Providence City Justice Court.

18 **Motion to approve the recertification of the Providence City Justice Court: R Call, second – J Drew**

- 19 • R Call said this is a required 4 year certification. The audit has been done and the information is before the
20 Council.
21 • Judge Mathew Funk, Providence City Justice Court, addressed the Council. It is required under state law
22 to recertify every 4 years. He feels things are running well with the court. Beth Munson, court clerk, does
23 a really good job. Prosecutors do a good job.
24 • B Bagley asked what type of cases he hears.
25 • Judge Funk said traffic court is the biggest issue, sometimes shop lifting, a fair amount of drunk driving.
26 There has been an uptick in assault and domestic violence cases.
27 • B Bagley asked what type of hearings he conducts.
28 • Judge Funk said up to and including Class B misdemeanors. If defendants are ever unhappy with the ruling
29 of the court, they can appeal to the district court.
30 • J Drew said he, the Mayor and S Bankhead had a discussion about the justice court and there are
31 concerns. Currently, our justice court supports Providence, River Heights and Millville, but absorbs 100%
32 of the cost for operating the court. J Drew felt the council should consider renegotiating contracts with
33 River Heights and Millville in order to help cover operational costs or possibly partner with Nibley to help
34 offset the costs. Fines and payment for the judge are set by state code. Incidents that took place in
35 Millville or River Heights can easily be identified in order to help assess costs for those two cities.
36 • B Bagley referred to a letter from Mr. Fife regarding a couple of issues with compliance.
37 • Judge Funk said by statute the court is required to have two tables, and the space for the attorney's is
38 limited. However, his understanding is that those situations will be remedied with the new building.

39 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

40 **Nay: None**

41 **Abstained: None**

42 **Excused: None**

43 **Item No. 3. Discussion:** The Providence City Council will discuss paying off the 2001C Water Revenue Bond.

- 44 • S Bankhead reviewed the water bond and the possibility of paying it off early.
45 • J Drew asked if the list or projects was prioritized and commented that some of the projects were listed to
46 be done alongside road projects.
47 • S Bankhead said the list of priorities is subject to change, i.e., if a leak occurs or if a road project comes up,
48 something like that would move to the top of the list. She reviewed the accounts for the Council. Two
49 accounts are directly tied to the bond. The third account is a debt service account. Bank of Utah water
50 impact also affects this bond. To assure there is enough money, some money is transferred every month
51 in to TTIF 1493. There is almost 3 years' worth of payments in that account.
52 • J Drew said about \$1.8M total would pay the bond off. Last time this was discussed before the council, R
53 Eck was asked how close we are to capacity as far as water usage. It was Randy's opinion that yes, we
54 should start planning for that now. In more recent council meetings the development of the northeast

1 part of the city and capabilities for servicing that part of the city were discussed. There is a concern about
2 the water fund and being able to finance that type of project. He felt the approach of the City is to let the
3 developer bring water. The City could also put in the infrastructure first and then as development comes,
4 developers would be charged for their share of the infrastructure. J Drew feels the second option gives
5 the City more control over development and also encourages development.

- 6 • J Baldwin said with the most recent annexation, a precedent was set. Sufficient impact fees need to be
7 charged to the developer if more development occurs in that area.
- 8 • J Drew said it should not be done piecemeal. The infrastructure should be in place as development comes
9 in.
- 10 • S Bankhead said if the second option is considered, the sooner you do an impact fee analysis, the more
11 current residents you will have and the less new residents will pay. 100% of the reservoir may be paid by
12 impact fees if you can show it is serving only new growth. If we wait for development to come, you risk
13 losing a percentage of that money. If the reservoir is built within the next 6 or 7 years, a water impact fee
14 analysis needs to be done. If we wait, the impact fee will be considerably lower.
- 15 • J Baldwin we know development is coming so we need to look at water demands and the associated fees.
- 16 • R Call said there are really two issues. One, how do we provide water and support new homes, and the
17 second is how to we support existing infrastructure. Most of the items on the list will have to come out of
18 our water fund and goes to supporting current infrastructure.
- 19 • S Bankhead said the only one that is new development related is 300 North well. One other item to be
20 considered is the piping for the year round wells. The City has been very fortunate in that our springs are
21 healthy and we can gravity flow through the winter months (October-April). However, if there were some
22 type of disaster that took the spring out, we could lose that capability. We would have to discharge the
23 wells.
- 24 • R Stapley explained how the wells would be discharged.
- 25 • S Bankhead said we have plenty of water; the worry is if something happens to the spring and we have to
26 fire up the wells, we need a safe place for the discharge.
- 27 • Mayor Calderwood said years ago when Highlands came in, the Council made an agreement betting on
28 development. To date, that development has not taken place; therefore the City will eventually have
29 financial obligations because development has not taken place.
- 30 • R Call said he doesn't feel there is not enough money to pay if off now. There are a lot of projects that
31 need attention and he does not want to set up a tax increase.
- 32 • B Bagley asked if there are any penalties for early payoff.
- 33 • S Bankhead said there are no penalties, but a 30 day notice is required.

34 Items No. 5 and 6 were discussed next at Councilman John Russell's recommendation.

35 **Item No. 5. Report:** Sheriff Chad Jensen will report on services provided by the Cache County Sheriff's Office.

- 36 • Chad Jensen, Cache County Sheriff, reported to the Council on activity and expenditures in Providence.
- 37 • R Call asked what the difference was between warnings or citations being issued.
- 38 • C Jensen said officer discretion. He would like to see a balance in warnings and citations. He feels the
39 officers are doing a good job and it appears the citations and warnings are fairly balanced. He reviewed
40 for the Council progress in the Sheriff's office.
- 41 • J Drew asked if there had been any impact with pay raised.
- 42 • C Jensen said he has been able to do wage increases and that has helped slow down the turnover rate.
43 Patrols have been cut from 10-hour shifts to 8-hour shifts; that has helped coverage and time off for other
44 employees. Dedicated area assignments have also impacted turnover rate. There has been a reduction in
45 the administrative staff in the office. Moral is up. Sheriff Jensen said he is in favor of the work
46 diversion/work release program and invited Providence City to participate in work diversion/work release.
- 47 • R Call asked what is being done to prevent a shooter from coming into the schools and causing problems.
- 48 • C Jensen said there isn't a lot that can be done, but they are meeting with the school districts next week
49 to formulate plans.
- 50 • J Baldwin asked if guns are permitted on school property.
- 51 • C Jensen said it is a school violation to openly carry a gun, but a concealed weapons permit is not a
52 violation.
- 53 • J Russell asked if adjustments would be made for the new high school.

- C Jensen said there will be officers assigned to drop in there just like the other schools in the county. He has concerns about traffic control.

There was a 5 minute recess.

Item No. 6. Discussion: Matt Hansen, Sierra Homes, will discuss water requirements for a possible development generally located at 1190 South 400 East.

- Matt Hansen, Sierra Homes, introduced himself to the Council. They are working with Civil Solutions on this project.
- R Call asked what type of development they are interested in.
- M Hansen said it is residential, SFT. Some lots will be ¾ acre. The developer will be responsible for 6th East.
- S Bankhead said staff wants to know how the Council would like the developer to handle water requirements; water rights, water shares or water fees. Nothing formal has been submitted.
- J Baldwin said if money comes rather than water, where does the money go.
- S Bankhead said the money will go into the water fund. If we have to purchase water rights, it could go to that.
- J Baldwin said he is concerned about money coming in rather than water. At some point in time the irrigation shares will have to be converted to culinary water.
- R Stapley said he didn't feel this project would hinder the water supply, but he agrees that in the future irrigation water will need to be converted.
- Mayor Calderwood asked where the water supply for this development would come from.
- R Stapley said zone two. At the moment this zone has the largest demands. It comes out of Redd's reservoir.
- S Bankhead said if the Council thinks there is sufficient right and would rather have cash come in for infrastructure, then an equitable fee could be required. If water is the concern, then water rights or shares need to be required.
- R Call felt that the "fee in lieu" would not be sufficient to cover the amount of homes that would be going in to this development.
- B Bagley asked where the shares would come from.
- M Hansen said they would have to do a water transfer. Blacksmith Fork and Spring Creek do not have shares to sell currently.
- R Call said he is interested in working with Sierra Homes, but needs some time to study the issue.
- J Baldwin asked how water impact fees were measured.
- S Bankhead said meter size, but there are impact fees as well as water requirements.
- B Bagley asked if this was going to be done in phases.
- M Hansen said this is very much in concept and preliminary, but he thinks it will be phased.

Item No. 4. Resolution 042-2015: The Providence City Council will consider for adoption a resolution amending the Providence City Personnel Policy.

Motion to consider Resolution 042-2015: R Call, second – J Baldwin

- Mayor Calderwood asked if a Mayor or council member can be elected if a relative is working for the city.
- J Baldwin commented that Mayor or council member is an elected official; however, there should be some disclosure.
- Mayor Calderwood asked if the situation were reversed, such as a relative of a Mayor or council member wanted to be hired by the city, could that happen.
- R Call said he didn't feel like elected officials were in supervisory positions, except the Mayor.
- J Drew suggested qualifying the statement to say that this policy does not apply to elected officials with exception to the Mayor.
- R Call suggested taking first cousin out of the statement.
- J Baldwin said this is state code and it cannot be taken out.
- Mayor Calderwood had a question on E. the appeal process. Currently this now goes to the Mayor, with the exception of the City Administrator. He does not want the Mayor to be the appeal process. He feels that prevents the Mayor from interfacing with an employee that may need help.
- S Bankhead said the appeals authority was comprised of the Mayor, two council members and three employees selected by the employees.

- R Call said there is nobody that is a standing appeals person, but the Mayor could be removed from the process and someone could be appointed by the Council.
- J Drew felt it might be advantageous to have that flexibility.

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Abstained: None

Excused: None

Staff Reports: Items presented by Providence City Staff will be presented as information only.

- S Bankhead said her report is before the council and includes the September invoice and financial statements.
- J Baldwin said he would like a short presentation showing the water system, tanks, basic flow, gravity flow, etc. He would like to see how the trend is going. He would like to know the city's capacity to provide culinary water to current residents and how much excess there is in order to know how many more developments can be absorbed.
- R Stapley said the water model will cover most of that. He will provide that information.
- J Drew said it would be helpful in knowing how new development is being absorbed and how it impacts the city's water system.
- S Bankhead said water usage is a moving target. Trends change from year to year. The water model can be done, but it is dynamic and there is a lot of potential for change from year to year.
- Mayor Calderwood would like to see a water zone map.
- S Bankhead said elections have had a good turnout so far.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- J Baldwin went to the Mayor's meeting and enjoyed it.
- J Russell handed out a sales tax revenue report. He was approached by CAPSA wanting to know if the city could appropriate funds. They can come and present at the November meeting if the Council desires. CAPSA does many different layers of assistance. Last year 7 people from Providence were housed in CAPSA shelters. They provide tremendous support to law enforcement.
- R Call – no report.
- J Drew attended a conference at Logan city council chambers hosted by Utah Communication Authority. The state of Utah has a communication system, now the federal government wants to be involved in local police communications and cell companies want to be involved because they feel they already have the infrastructure. All of the police and fire personnel have concerns about this. This will force taxpayers to fund cell service poles in rural areas where this type of communication is not in use. He feels cell phone communications can be easily overwhelmed, based on his experience in providing radio support during LOTOJA. CVTD has a board meeting tomorrow night. They commissioned a survey of fare free. The company that did the research for CVTD is out of Oakland and all their survey results support spending more money for more programs. S Bankhead put together a summary of the last two years of Justice Court P&L results; J Drew would like to continue the discussion of renegotiation with Millville and River Heights.
- B Bagley asked R Stapley when the recycle bins are going to be picked up. They will be picked up in November. It will be posted online and in the newsletter. He asked for updates on the new building.
- Mayor said plumbing and mechanical needs to be done on the new building. Waiting for an engineer's estimate on what it will cost to remodel and bring the building up to code.
- Mayor Calderwood:
 - Nov. 19, dinner at USU with Lt. Governor – council members and wives are invited to go. Mayor would like to know who is planning to attend.
 - COG – a proposal was submitted to extend Gateway Drive to the south. COG money was approved by the Mayors; it then had to go to county council where it was unanimously approved. \$1,293,000 was awarded to extend the roundabout south to 100 South.
 - Commercial appraisal was done on the Hyrum waste water facility. The results are not back yet. Hyrum wants \$3.3M from Nibley and Providence each to purchase a third of the old facility.

- Hyrum council still has to approve the deal.
- Regional storm water basin off 3rd West and 5th South. LDS church owns the property and is not interested in selling the property.
 - Mayor of River Heights met with Mayor Calderwood. River Heights said they received a significant increase for their fire protection contract with Logan. Mayor Calderwood said the council needs to review Providence's fire protection contract. If our contract us up and if we receive an increase from Logan, Mayor Brackner suggested River Heights and Providence joining for fire protection.
 - J Drew asked if this was a volunteer fire department between the two cities. Mayor Calderwood said it is.

Executive Session:

Item No. 1. The Providence City Council will enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).

Item No. 2. The Providence City Council will enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a)

Item No. 3. The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Motion to enter Executive Session: R Call, second – J Baldwin

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell
Nay: None
Abstained: None
Excused: None

Motion to close Executive Session: J Baldwin, second – R Call

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell
Nay: None
Abstained: None
Excused: None

Minutes recorded and prepared by C Craven.
Meeting adjourned at 8:45 pm.



A handwritten signature in black ink, appearing to read "Don W. Calderwood", written over a horizontal line.

Don W. Calderwood, Mayor

A handwritten signature in blue ink, appearing to read "Skarlet Bankhead", written over a horizontal line.

Skarlet Bankhead, City Recorder

City Council Meeting

October 27, 2015

Please Sign In

Name
Kevin M. Opsahl
Ruth Ann HOTH
Scout Troop 374
Sharell Eames
Sophie Webb
Meghan Wise
Hannah Johnson
Chad Jensen
Kirk Allen

City of Residence

The Herald Jaxr

PROVIDENCE

PROVIDENCE

Providence

Provi

Providence

Providence

Shelft

Providence

